Supreme Court, U.S.
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No. 85-1979

In the Supreme Court of the United States

OCTOBER TERM, 1985

CHARLES A. BOWSHER, COMPTROLLER GENERAL OF THE UNITED STATES, ET AL., APPELLANTS

v.

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO, ET AL.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

MEMORANDUM FOR THE UNITED STATES AS APPELLEE

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3 pp

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The three-judge district court in this case held unconstitutional the automatic deficit reduction process established by Section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985, Pub. L. No. 99-177, 99 Stat. 1063. In so holding, the court relied upon its prior decision in *Synar* v. *United States*, 626 F. Supp. 1374 (D.D.C. 1986), prob. juris. noted, Nos. 85-1377, 85-1378 and 85-1379 (Feb. 24, 1986). See J.S. App. 2a-3a. This Court has jurisdiction of the appeal in the instant case under Section 274(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1098), and under 28 U.S.C. 1252. However, because the constitutional question presented in this case is identical to that presented in *Bowsher* v. *Synar*, No. 85-1377, and related cases, which were argued before

this Court on April 23, 1986, there is no occasion for plenary review in this case. Accordingly, it is respectfully submitted that the jurisdictional statement should be held and disposed of in light of the Court's decision in *Bowsher* v. *Synar*, No. 85-1377, and related cases.

CHARLES FRIED
Solicitor General

JULY 1986